



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,923	10/08/2003	Peter Bongartz	46107-0097	7597

7590 12/17/2004

Douglas A. Mullen
Dickinson Wright PLLC
Suite 800
1901 L Street N.W.
Washington, DC 20036

EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/680,923

Applicant(s)

BONGARTZ ET AL.

Examiner

Greg Binda

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20031008.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

1. Applicant's election without traverse of a constant velocity joint (Group III) in the reply filed on November 23, 2004 is acknowledged.

2. Claims 1-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on November 23, 2004.

Drawings

3. The drawings are objected to because:

a. Reference numerals 30, 32, 36, 38, 40, 44 & 46 are used to identify features in the prior art and then reused to identify modification of such features in the disclosed invention. Such usage is proscribed. See MPEP § 608.02(e).

b. Reference numeral 18 appears in Fig. 2 but does not appear in the description.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

Art Unit: 3679

drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The abstract of the disclosure is objected to because starts with a phrase that can be implied. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 15 & 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15, line 2 recites the limitation, "a second leg". It is not clear if this second leg is the same as, or different from the second leg recited in claims 13 & 14.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3679

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Hofmann et al, US 5,525,109. Fig. 1 shows a constant velocity joint comprising: a trunnion 4 defining a retaining groove; and a retaining ring 8 secured within the groove. Fig. 3 shows the retaining ring includes a fracture area 7.

10. Claims 12 & 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Olschewski et al, US 4,270,815. Fig. 1 shows a constant velocity joint comprising: a trunnion 2 defining a retaining groove 11; and a retaining ring 9, 12 secured within the groove. Fig. 3 shows the retaining ring 12' includes a fracture area 18a. Fig. 1 shows the retaining ring has a first leg 9 having an inner surface; a second leg 12 having an outer surface; and a first notch (see “groove” in col. 2, line 43) defined by the second leg.

11. Claims 12 & 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Orain, US 4,317,602. Fig. 5 shows a constant velocity joint comprising: a trunnion 1 defining a retaining groove 9; and a retaining ring 7, 8 secured within the groove, the ring includes a fracture (see also “split” in col. 2, line 36). The retaining ring has a first leg 8 having an inner surface; a second leg 7 having an outer surface; and a first notch (see “split” in col. 2, line 36) defined by the first leg.

12. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Schweitzer et al, US 6,412,985. Figs. 1 & 3 show a constant velocity joint comprising: a trunnion 2 defining a

Art Unit: 3679

retaining groove 3; and a retaining ring 1 secured within the groove, the ring includes a fracture

4. Fig. 2 shows the retaining ring has a first leg 6 having an inner surface and a first notch 8; and a second leg 7 having an outer surface and a second notch 9; the fracture extending between the notches.

Allowable Subject Matter

13. Claims 15 & 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

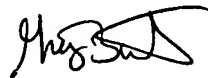
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Readman and Conner each show a retaining ring first and second notches. Olson shows constant velocity joint with a retaining ring 30. Varrin shows a retaining ring 23 in a groove 26. Stearns shows a ring 15 with a fracture 22. Thomas shows a ring 10 with a fracture 16.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
Art Unit 3679